

# Report of Complaint Handling Reviews in relation to Grampian Police

under section 35(1) of the Police Public Order  
and Criminal Justice (Scotland) Act 2006

## **Summary and Key Findings**

The applicant's complaints arise from a dispute he had with his neighbours.

In total the Commissioner addressed 31 complaints over 12 separate reviews. The Commissioner found that 25 complaints were dealt with reasonably while six were not. The Commissioner made one recommendation and also identified a learning point.

## The Commissioner's role

Section 35 of the Police Public Order and Criminal Justice (Scotland) Act ("the Act") gives the Commissioner the power to examine the manner in which a policing body has dealt with a "relevant" complaint, as defined in the Act.

The Commissioner is independent of the police service and performs his functions in a fair and impartial manner. Before considering a complaint, the Commissioner's office obtains all papers held by the policing body against which the complaint has been made. These papers are considered alongside information provided by the applicant. The Commissioner then assesses whether the policing body's handling of the complaint was reasonable in all the circumstances. The Commissioner will look at the entire handling process, from the initial investigation by the policing body to the final response issued to the applicant. Among the factors which the Commissioner takes into account are the following:

- whether the policing body's response to the complaint is supported by all material information available;
- whether in dealing with the complaint the policing body has adhered to all relevant policies, procedures and legal provisions;
- where the complaint has resulted in the policing body identifying measures necessary to improve its service, whether these measures are adequate and have been implemented;
- whether the policing body's response to the complaint is adequately reasoned; and
- whether the policing body has communicated with the applicant in a reasonable manner.

## Preamble

The applicant lived with his wife and two children in a house situated at the end of a narrow street in a residential area. Over time, due to the layout of the roads and the limited space available, disagreements arose within the neighbourhood over parking. The applicant had also become embroiled in a dispute with his nearest neighbour over the neighbour's plans to make adaptations to his own front garden to accommodate private off-street parking. Mediation was attempted but was not successful.

The applicant began to make increasingly frequent calls for police assistance in relation to a range of criminal offences he alleged were being committed by various neighbours. The types of alleged offences included vandalism of the applicant's and his wife's vehicles; "stalking" of one of his children; an attempt to run the applicant off the road; and surveillance of the applicant and his family by a neighbour using a CCTV camera. There were also numerous allegations of offences involving comments, looks and gestures which the applicant described as alarming and threatening. The applicant made a number of complaints to Grampian Police about how it had responded to these incidents.

During the same period, the applicant's neighbours reported the applicant to the police for alleged offences including breach of the peace. The applicant's neighbours also sought assistance from their MSP in dealing with the neighbourhood problems which they maintained were being caused by the applicant. During this time, Grampian Police put in place special arrangements for dealing with contact made by the applicant and appointed a specific police officer to oversee any incidents arising from the neighbour dispute.

The complaints made by the applicant are reviewed below. Each complaint is set out in turn and is followed by details of Grampian Police's handling of it and the Commissioner's views on this. Where necessary, background information is provided regarding the complaints.

## Background

According to the applicant, on 14 June 2010, while on his way to work, and having stopped at a junction near a local public house, a neighbour of his (Mr A) had made rude hand gestures towards him. According to the police log of the incident, the applicant wound down his car window to ask what the problem was and was thereafter threatened by Mr A that he was going to “f\*\*\*\*\*g kill” the applicant and “beat the c\*\*p out of him.”

The incident log records that, at this point, the applicant’s wife drove up behind him and advised him to ignore Mr A and drive off.

Shortly thereafter, the applicant called Grampian Police to report the matter. Constable B was appointed to investigate the incident. During the investigation statements were taken from the applicant and his wife. House to house enquiries were also conducted and the manager of the local public house was asked if he had witnessed the events reported by the applicant. These lines of enquiry did not assist the investigation.

On 29 June 2010, the applicant reported a further incident in which he alleged that another of his neighbours had referred to him as “scum”. Constable C was appointed to investigate the matter.

According to the applicant, he was called by Inspector D and advised that, due to a lack of resources, he would not be assigning any further manpower to the applicant’s home address.

Between 29 June 2010 and 12 July 2010, Constable B was on sick leave. At some point after 29 June 2010, a note was placed on both crime files that Inspector D was to liaise with the Procurator Fiscal and that reports should not be sent to the Fiscal until this meeting had been taken place.

On 20 July 2010, the applicant made a complaint about the police concerning the lack of updates he had received, and the advice given to him by Inspector D.

On 28 July 2010, Mr A was questioned by Constables B and E at a police station in connection with the applicant’s allegations. During the interview, Mr A explained that he had exchanged words with the applicant but claimed not to have instigated the incident. At the conclusion of the interview, Mr A was cautioned and charged with a breach of the peace.

On 2 August 2010, Inspector D met with the Procurator Fiscal and it was agreed that both incidents would be reported to him. Constable B subsequently sent a report to the Procurator Fiscal. Following a period of annual leave, Constable C also submitted a report to the Procurator Fiscal.

## The Complaints

Based on the contents of the application form, the correspondence received from the applicant, and the information obtained from Grampian Police, the Commissioner has identified the following complaints:

- (1) that the applicant received no updates from Grampian Police; and
- (2) that Inspector D informed the applicant that resources would not be “wasted” on his reports.

### Complaint 1: Updating of applicant

The applicant stated the following in his statement:

*“Two incidents occurred in June this year. One investigated by [Constable B] and the other by [Constable P], involving the actions of neighbours. We received no updates on these.”*

### *Internal Handling*

On 29 July 2010, Inspector F visited the applicant at his home address where he obtained a statement regarding his complaints. On 6 August 2010, Inspector F e-mailed the applicant the following update:

*“I refer to the recent complaint made about the Police and my visit of 29 July 2010. I provide the following updates as promised in relation to your complaint.*

*I understand there are two cases pending meantime, one involving [Constable B] and the other [Constable C]. I made you aware that in the case of [Constable B], he had been off sick and therefore on his return, the report has been compiled and will be submitted to the Procurator Fiscal for his consideration. In the case of [Constable C], he is on leave until Mid August. You were advised by me however that Inspector [D] had put a hold on the case until he had a meeting with the Procurator Fiscal. This meeting took place earlier in the week and provided an opportunity for both parties to engage about the situation you face in your street and the history of perceived problems with neighbours. On [Constable C]’s return to duty, he will complete his report and submit it likewise.*

*...You will appreciate that the role of the Police is to gather the facts and to report them to the [Procurator Fiscal] as their agents. Decisions in such matters can take time and I ask for your patience in the matter in the knowledge that we are giving your complaints the fullest attention.*

*... At our meeting, you requested that I review the incidents reported by you in the past 12 months. I have done this and can find no fault in the investigation of these matters. It is clear that there is a history of ill feeling between yourself and certain neighbours and this forms the focus of the reports you have made to Grampian Police. Where appropriate, evidence assumed, has resulted in cases being submitted to the [Procurator Fiscal]. I know that other routes such as Mediation have been considered.*

*My intention is to respond more fully in writing to address your allegations next week.”*

On 11 August 2010, Inspector F submitted a report concerning the applicant’s complaints. The report stated:

*“Given the Complainer’s feelings following two reported crimes to Grampian Police in a short period of time, a lack of update to him post 12 July when Inspector [D] went on leave, has led to frustration on his part about not being kept up to date. I have apologised to him if he perceived that Grampian Police were not as overt in communication in this case as he would have wished them to be*

*... I have informed Inspector [D] of the concerns of the Complainer and he has acknowledged the need to keep [the applicant] informed on a regular basis where incidents have been reported ...*

*It is important that Complainers are kept up to date with the disposal of complaints. It is equally important for Officers to understand and be aware of the needs and expectations of individual Complainers, in that one person’s expectations are not necessarily equal to another.*

*Supervisors also need to take responsibility for ensuring that where an Officer goes on extended sick leave, that an overview of the Officer's workload is carried out to ensure that important tasks are completed."*

On 11 August 2010, Chief Inspector G issued the applicant with a response to his complaints. The response reiterated the terms of Inspector F's update of 6 August 2010.

### *Consideration*

Following his investigation of this complaint, Inspector F acknowledged that officers needed to understand and be aware of the individual expectations of complainers and that, in this case, the applicant had not been updated to his satisfaction.

Inspector F found that, whilst this may have been as a result of Constable B being on annual leave, he noted as a learning point that supervisors need to take responsibility to ensure that important tasks are carried out when officers are absent from duty. Inspector F also apologised to the applicant and raised his concerns with Inspector D.

In light of this, the Commissioner considers that this complaint was dealt with in a reasonable manner.

### **Complaint 2: Allocation of resources**

The applicant stated the following in his statement:

*"[Inspector D] advised that he wasn't going to waste any resources on something only my wife and I were speaking to and he would speak to the Fiscal for guidance."*

### *Internal Handling*

Chief Inspector G stated the following in his letter of 11 August 2010:

*"Inspector [D], the officer in charge of the Local Policing Team covering your area, became aware of the two incidents you had reported and felt that given the history of problems which had been evident ... this was worthy of discussion with the Area Procurator Fiscal to make him aware of the bigger picture. He updated the CrimeFiles relating to both incidents in question to advise the officers he would be taking this course of action with an instruction not to progress with reports to the Procurator Fiscal at that stage until the outcome of his meeting was known.*

*I understand Inspector [D] contacted you during July to confirm his course of action. You have stated you were dissatisfied with the content of this call as you perceived that Inspector [D] was telling you he would not be committing resources to deal with your reports. Having explained that he would be speaking to the Procurator Fiscal about your cases, I am satisfied that it was not the intention of Inspector [D] to diminish your assessment of the situation, but to consider the effective deployment of limited resources in the longer term.*

*I have been advised that following his meeting with the Area Procurator Fiscal ... Inspector [D] has been asked to ensure both reports should be submitted to him in due course for consideration of proceedings. You will understand as agents for the Crown, once we have submitted our reports to the Procurator Fiscal, the decision on progress rests with them. In the case of the report being compiled by Constable [C], this will be completed next week following his return from annual leave.*

*In conclusion, I am sorry you were caused to believe that Grampian Police were not treating your complaint seriously and I apologise if you felt that the standard of service fell below your expectations on this occasion.”*

### **Consideration**

It appears that, having been told by Inspector D that his allegations would not be progressed until the Procurator Fiscal had been consulted, the applicant perceived that Grampian Police was not taking the matter seriously.

Whilst the Commissioner acknowledges this perception, it is clear from the investigation carried out by Constable B that the applicant's allegation of 14 June 2010 (which led to Mr A being cautioned and charged with a breach of the peace) had been taken seriously. Additionally, rather than dismissing the applicant's reports, Inspector D's liaison with the Procurator Fiscal suggests a willingness to resolve what by that stage had become a difficult neighbour dispute.

In any event, both incidents were ultimately reported to the Procurator Fiscal and the applicant has been provided with an apology for his perception of the standard of service received. In these circumstances, the Commissioner considers that this complaint was dealt with in a reasonable manner.

### **Conclusions, Recommendations and Learning**

In the Commissioner's view, both complaints addressed in this review were dealt with in a reasonable manner by Grampian Police. Accordingly, no further action is required in this connection.

## Background

The background information regarding this complaint is derived entirely from the recording of a call made by the applicant to Grampian Police.

On 2 September 2010, the applicant called Grampian Police's service centre to report that an untaxed vehicle was parked in his street (the applicant claimed the tax disc on the vehicle had expired two days previously). According to the applicant, his call was as a result of advice given to him by the DVLA.

During the call (dealt with by a call handler, Mr H) the applicant advised that he had spoken to a female call handler earlier in the day and that she intended to bring the matter to the attention of the traffic police. The applicant stated that he was concerned that, if the vehicle was involved in an "at fault" accident, the insurance company would not assume liability for any damage caused.

Mr H advised the applicant of his understanding that, whilst the insurance company may not cover the cost of damage to the vehicle in question, any damage to third party property would be covered. Mr H also explained to the applicant that it was police protocol to refer members of the public to the DVLA. However, upon checking with his supervisor, Mr H acknowledged that the incident was in fact a police matter.

The applicant told Mr H, "obviously the person I spoke to earlier this morning has done nothing about it whatsoever". Mr H advised the applicant that an intelligence report had already been created and passed to the traffic police but that the police did not have the resources to track down every person driving without a valid tax disc. He added that the Road Traffic Department could choose to resource the incident. Upon querying why the police could not deal with the matter more urgently, the applicant was told the following:

*"If the police deem it necessary to attend then they will do ... and they will try and pick him up for having no tax disc ... If they have enough units to spare to go and deal with this sort of matter then they will do."*

The applicant thereafter expressed his surprise at the lack of interest shown by Grampian Police in relation to the matter. Mr H explained to the applicant that "in terms of the list of road offences, it's fairly low down their list of priorities which is why it's not going to be dealt with today, possibly." The call concluded with the applicant reiterating his surprise at the lack of interest being shown by Grampian Police.

## The Complaint

Based on the contents of the application form, the correspondence received from the applicant, and the information obtained from Grampian Police, the Commissioner has identified a single complaint, namely that Grampian Police was not interested in the applicant's report of an untaxed vehicle.

## Internal Handling

The applicant made his complaint to Grampian Police on 2 September 2010, following which it was allocated to the Deputy Service Centre Manager, Mrs J, for investigation. As part of her investigation, Mrs J listened to the call made by the applicant. On 19 October 2010 she submitted a report of her findings in which she reached the following conclusion:

*"In respect of the 'complaint' regarding lack of action by FSC staff, upon receipt of an original call from the complainer earlier on the same day 02/09/10. This is unfounded as an*

*intelligence report had been created and sent to the Roads Policing for them to deal with the matter appropriately. The second call was handled in a professional, appropriate and courteous manner despite the caller attempting to put words into the mouth of the staff member.*

*There are no issues whatsoever in the FSC procedures in relation to the allegation of this complaint.”*

On 19 October 2010, Superintendent K wrote to the applicant in response to the complaint, stating:

*“... I have had the necessary enquiry made regarding the perceived lack of interest you reported on behalf of the person who took your telephone call. The telephone call you made has been retrieved and assessed as well as the actions taken by the relevant Service Advisor and the basis of your complaint is unfounded.*

*Upon receipt of your call, the Service Advisor created an Intelligence Report which was submitted to the Vehicle Licensing Authority. This authority are able to investigate and take action in relation to reports of untaxed motor vehicles and their powers include clamping or removing vehicles and financial penalties may also be imposed on people found with untaxed vehicles. Members of the public can report untaxed motor vehicles direct to DVLA.”*

### **Consideration**

During the applicant’s call he was advised that his allegation was a matter for the police and that an intelligence report had been created and passed to the Road Traffic Department (“RTD”). This is supported by Mrs J’s report who confirmed that the report had been sent to “Roads Policing”. However, in his response Superintendent K stated that the intelligence had been submitted to the Vehicle Licensing Authority and made no mention of it having been passed to the RTD.

Despite this inconsistency, there is clear evidence that Grampian Police took steps to deal with the applicant’s allegation and there is accordingly no basis for his complaint that Grampian Police were “not interested” in this. In these circumstances, the Commissioner considers that the complaint was dealt with in a reasonable manner.

### **Conclusions, Recommendations and Learning**

In the Commissioner’s view, the manner in which this complaint was dealt with by Grampian Police was reasonable. As a learning point, however, Grampian Police should ensure that its procedures are clear as to how such allegations are to be treated and, in particular, whether they are matters for the police or the DVLA to deal with.

## Background

According to the applicant, whilst leaving for work on 12 October 2009 his neighbour (Mrs L) shouted abuse at him from her front door. The applicant states that he stopped his vehicle and asked Mrs L “what this was all about.” According to the applicant Mrs L continued to shout at him and he drove on, reporting the matter to Grampian Police on arrival at his workplace.

On the same date, another of the applicant’s neighbours, Mrs M, reported to the police that the applicant had stopped his car and shouted at her the previous evening. During the same period, the applicant’s wife reported to Grampian Police that Mrs L had been shouting at her from her window.

On 20 October 2009, Sergeant N and Constable P attended at the applicant’s home in connection with Mrs M’s allegation. According to the applicant Sergeant N advised him that he had been reported as a result of an earlier incident and he was asked to describe what occurred after entering his car on 12 October 2009.

According to the applicant, he challenged Mrs L’s version of events. Sergeant N asked why the applicant had not reported the matter, to which the applicant replied that he had. The applicant states that Sergeant N then called him a liar and said that he would have been aware of any such allegation by the applicant. According to the applicant, Sergeant N subsequently acknowledged that the applicant had indeed reported the matter but that the incident had mistakenly been closed off without enquiry.

According to the applicant, Sergeant N thereafter advised him that both he and Mrs L could be charged with a breach of the peace, or that both incidents could be dropped to let “the water settle.” The applicant states that he reluctantly took the “option” of being charged. The applicant was thereafter charged with committing a breach of the peace.

At 8:26 pm, the applicant called Grampian Police’s service centre to complain about Sergeant N’s attitude. The applicant alleged that Sergeant N was “above himself”, “aggressive”, and had acted as “judge, jury and sentencer.” The applicant was asked to put his concerns in writing and duly did so on 22 October 2009.

## The Complaints

- (1) that Sergeant N acted towards the applicant in an aggressive manner;
- (2) that Sergeant N called the applicant a liar; and
- (3) that Sergeant N “tricked” the applicant into accepting a breach of the peace charge.

### Complaint 1: Sergeant N’s demeanour

According to the applicant’s statement, during his meeting with Sergeant N, he felt the Sergeant was leaning forward and staring at him. The applicant stated:

*“... I thought by [Sergeant N’s] facial expressions, body language and his rude behaviour, he was assuming I was guilty.”*

### Internal Handling

Inspector Q was appointed to investigate the applicant’s complaints. Statements were obtained from the applicant and his wife (in the presence of one of their children) by Inspector Q and

Inspector R respectively. Sergeant N and Constable P also provided statements in connection with the complaint.

In his report of 22 December 2009, Inspector Q made the following comment in respect of this complaint:

*“Both Police Officers claim to have remained calm throughout the visit and when offering the complainer advice, he ignored them and watched television instead.”*

Superintendent S provided the following response in his letter dated 22 December 2009:

*“... It is evident that both you and your wife ... formed the opinion that Sergeant [N]’s body language and tone of voice was aggressive. Having read the formal accounts provided by my Officers, they deny this allegation and state they remained calm throughout their visit ... Both Officers have been spoken to and reminded of the professional service that I expect and how their actions can be interpreted.”*

### **Consideration**

The applicant and his wife are clear in their descriptions of Sergeant N’s demeanour. However, Sergeant N claimed to have acted calmly during the meeting and his account is supported by Constable P. Indeed, the officers claim that it was in fact the applicant who had acted aggressively.

In light of this evidence, the Commissioner does not consider this complaint to be substantiated. The Commissioner therefore considers the response provided by Superintendent S to be reasonable. .

The Commissioner notes that the applicant’s 11 year old daughter may also have been a witness to Sergeant N’s demeanour during the meeting. Given her age, however, Inspector Q took the decision not to obtain her account of the incident. Taking into account the age of the applicant’s daughter and the relatively minor nature of the allegations made by the applicant, the Commissioner considers that Inspector Q’s decision in this respect was reasonable.

Overall, the Commissioner considers that this complaint was dealt with in a reasonable manner.

### **Complaint 2: That the applicant was called a “liar”**

According to the applicant, when he advised Sergeant N that he had also reported to the police the incident for which he was charged, Sergeant N called him a liar.

### **Internal Handling**

Inspector Q made the following comments in his report:

*“... Both [the applicant] and his wife claim to have heard Sergeant [N] calling him a liar. However, both Police Officers deny this and claim that it was the complainer who refused to listen to advice by watching the television or using a laptop computer when the Officers were talking.”*

Inspector Q noted the following learning point in respect of this complaint:

*“Prior to Sergeant [N] attending at [the applicant]’s home, he should have been fully aware of the incident reported by the complainer. This lack of knowledge caused confusion and displayed a degree of unprofessionalism which could have been avoided.”*

Superintendent S's response did not address this complaint.

### *Consideration*

As Superintendent S did not address the matter in his response, the Commissioner does not consider that this complaint was dealt with in a reasonable manner.

However, it is clear that both officers deny that the applicant was called a liar during the meeting. Accordingly based on the available evidence the Commissioner considers this complaint to be unsubstantiated. In these circumstances, the Commissioner does not consider it necessary to recommend any further action in this connection.

### **Complaint 3: That the applicant was “tricked” by Sergeant N**

According to the applicant Sergeant N told him that both he and his neighbour could be charged with a breach of the peace or that both incidents could be dropped to let “the water settle.” The applicant states that he elected to be charged and that, following this, Sergeant N did not charge his neighbour. The applicant feels that Sergeant N “tricked” him in this connection.

### *Internal Handling*

Inspector Q made the following comments in his report:

*“... The discretion used by Sergeant [N] in this particular situation was an appropriate tactic to explore. To offer the complainer (and neighbours) to start afresh may have proved successful in ending these minor disputes.*

*After Constable [P] had noted statements from the complainer, his wife and daughter in relation to [the incident], [the applicant] specifically asked Sergeant [N] if his neighbour, [Mrs L], would be charged. It appeared at that stage of the enquiry that there was corroborative evidence to substantiate a charge of Breach of the Peace. However, Sergeant [N] was not prepared to make that decision until the suspect had been questioned. As the enquiry was not fully completed, I concur with that decision.*

*Both CrimeFiles ... have been reported to the Procurator Fiscal.”*

Superintendent S provided the following response:

*“... Sergeant [N] provided you with an update on the progression of the enquiry and informed you that counter allegations had been made against you. Indeed there was sufficient evidence to caution and charge you.*

*... It was the desire for my Officers to conduct the enquiry and achieve the optimum result for all concerned. In my opinion, this was foremost in Sergeant [N]'s mind when he offered to use discretion towards you and your neighbours. However, it appeared that you were of the opinion that the situation was now beyond conciliation and that formal Police action was required.*

*To clarify this situation, I would like to take this opportunity to advise you that the Breach of the Peace reported by you and subsequently your neighbour, have both been reported to the Procurator Fiscal.*

*Please accept my apologies if this incident has caused distress to you and your family. I do, however, feel from all the evidence that the Officers wanted to achieve the best result for all concerned.*

*That said, I expect my Officers to deliver a professional service at all times and it is regrettable that on this occasion, you feel that they were less than professional. This is not the type of service Grampian Police strive to deliver and I again apologise if this was the impression given."*

### **Consideration**

The applicant believes he was "tricked" into accepting a breach of the peace charge while his wife feels that Sergeant N's actions amount to "entrapment". The Commissioner does not share these views.

Sergeant N and Constable P state that there was sufficient evidence to charge the applicant with a breach of the peace for his alleged actions towards Mrs M. In the Commissioner's view, the fact that Sergeant N was prepared to use his discretion in taking no further action against the applicant supports Sergeant N's position that he was acting in good faith towards the applicant. Similarly, the fact that Mrs L was also reported to the Procurator Fiscal undermines the applicant's claim that Sergeant N intended to mislead or trick the applicant.

In the Commissioner's view, the evidence therefore points strongly to Sergeant N having acted in good faith in his attempts to resolve the dispute between the applicant and his neighbour. Accordingly, the Commissioner considers that this complaint was dealt with in a reasonable manner.

## **Conclusions, Recommendations and Learning**

### **Complaints 1 and 3**

In the Commissioner's view, the manner in which these complaints were dealt with by Grampian Police was reasonable. Accordingly no further action is required in this connection.

### **Complaint 2: That the applicant was called a "liar"**

In the Commissioner's view, the manner in which this complaint was dealt with by Grampian Police was not reasonable. However, for the reason given no recommendation is made in this connection.

## Background

On 8 January 2010, the applicant's wife called Grampian Police to report that one of her neighbours, Mrs L, had taken photographs of her car. The applicant's wife expressed the concern that, given the vandalism to which her car had already been subject, Mrs L would pass the photograph and vehicle registration number to someone to "possibly do something with".

The call handler (Ms T) asked the applicant's wife what would be gained from her neighbour doing this. Having been given a brief outline of the previous problems, Ms T advised the applicant's wife that Grampian Police was not "here for tit for tat." Ms T said that if the neighbour intended to do what the applicant's wife believed, she could simply have written down the vehicle registration. The applicant's wife then asked Ms T if her call can be passed to Inspector D.

Ms T took the applicant's details, said that she would "keep a note" of the matter, and advised that if there were any problems she should phone back. The applicant's wife expressed her dissatisfaction with the fact that no action was to be taken and stated that she intended to complain. The applicant's wife also informed Ms T that Inspector D had told her previously to call the service centre to report any further problems she had with the neighbours.

Following the call, Ms T sent the following email to Inspector D:

*"[The applicant's wife] called myself stating her neighbour had been outside taking photographs and thought she may have taken a photograph of her car and was worried that a photo would have her car's vrm [vehicle registration mark]. She then stated her neighbour could pass on her vrm and her car may get vandalised etc.*

*Advised her that if that was her neighbours intention then she could just have easily noted her vrm on a piece of papers [sic] without her knowledge.*

*I advised [the applicant's wife] that I would note the details but there was nothing in what she was telling me that required police to attend."*

Shortly thereafter, the applicant's wife called the service centre again advising that she was not happy with the way in which she had been spoken to by Ms T, or with the manner in which her allegation had been dealt with. She asked the call handler if the note of her previous call could be read out to her. The call handler read out the following:

*"... sent an e-mail to Inspector [D] re the photo at [the applicant's wife]'s request."*

Later the same day, the applicant called Grampian Police (speaking to Mrs U) to register his dissatisfaction with the response his wife had received from call handling staff when she called to complain about her neighbour.

## The Complaints

- (1) that police assistance was not provided to the applicant's wife;
- (2) that Ms T's notes did not fully reflect the detail of the applicant's wife's call; and
- (3) that Grampian Police operate a "tagging" system on the applicant.

## Complaint 1: Failure to provide assistance

According to the applicant, his wife received no police assistance following her allegation that a neighbour had taken photographs of her car, and the call handler who dealt with the call was “most unhelpful”.

### *Internal Handling*

The complaint was treated as one relating to “quality of service” and was allocated to Sergeant V for enquiry. During his investigation, Sergeant V retrieved the calls made to the police by the applicant and his wife, together with the notes made by the relevant call handling staff. Sergeant V made the following comments in his report:

*“... It could be argued that a Storm Incident should have been created and sent for Neighbourhood officers to attend as [the applicant’s wife] did state it was an ongoing neighbourhood issue. That said, the relevant information was subsequently passed to Inspector [D]. On listening to the initial call, [Ms T] had a habit of talking over the caller, which in itself perhaps made the situation slightly more fractious. [The applicant’s] wife subsequently hung up the call.*

*A short time later [the applicant’s] wife called the Service Centre again, she spoke to [Call Handler W], stated she was recording the conversation, and asked what had been done regarding her previous call to [Ms T]. She was advised that an email had been forwarded to Inspector [D] regarding the circumstances of her call, which she appeared satisfied with.*

*... Neighbourhood officers have clearly had a lot of involvement in relation to calls from [the applicant and his wife] and have instigated enquiries in relation to various allegations pertaining to neighbourhood type issues.*

*In relation to the specific allegation contained within this particular complaint against the police, the required response to the information was ultimately provided by way of notifying Inspector [D] who had an overview of existing and on going enquiries regarding various neighbourhood type issues involving the complainer.*

*... As part of continuing staff improvement and development, it is suggested [Ms T]’s supervisor ... provide constructive feedback in relation to the handling of the specific call mentioned. In particular to consider creating a Storm Incident in relation to ongoing or continuing issues. [Ms T’s supervisor] should also provide constructive feedback in relation to more customer focussed call handling, in particular the aspect of talking over the caller concerned.”*

On 11 March 2010, Superintendent K provided the following response:

*“I have had enquiry made and ascertained that the Service Advisor who took details of the initial call made by your wife passed these by email to the relevant Neighbourhood Inspector to progress. I understand the matter has been addressed following subsequent visits by Neighbourhood Officers.*

*... Upon reviewing the initial call made by your wife, I have asked for the Service Advisor who took the call to receive constructive quality assurance feedback in relation to her handling of the call. I am, however, satisfied that the report made was dealt with appropriately with the relevant Area Inspector being notified.”*

## Consideration

During her call with the applicant's wife, Ms T took the decision that police attendance at the incident was not required. Her reasoning for this was that, if it was indeed her neighbour's intention to arrange for damage to be caused to her car, the neighbour could simply have noted the registration number and passed it to an associate, thereby negating the need to take photographs.

Clearly, the taking of photographs is not, in itself, a criminal act. Consequently, the only information of significance to Grampian Police was the applicant's wife's suspicion that the photographs might be used in the commission of an offence. In the Commissioner's view, the position adopted by Ms T in this connection was reasonable. The Commissioner therefore considers that Ms T's decision to simply note the details of the call, and to refer the matter to Inspector D, was also reasonable in the circumstances.

Notwithstanding this, the Commissioner shares the view that Ms T's tendency to talk over the applicant's wife perhaps led to the call becoming more fractious. The Commissioner notes, however, that advice was provided to Ms T in this connection.

For the above reasons, the Commissioner considers that this complaint was handled in a reasonable manner.

On a separate issue, during his conversation with Ms U the applicant claimed that Ms T had informed his wife that Inspector D had to be informed of every call he and his family made to the police, and that only Inspector D could decide if police attendance is required. It is clear from the recordings of the calls that Ms T made no such comment to the applicant's wife. The issue of whether such an arrangement exists is discussed at complaint 3 below.

## Complaint 2: Failure to reflect details of a call

The applicant states that, 15 minutes after his wife's initial call, she called back and spoke to different call handler. According to the applicant, the notes made by Ms T as a result of the initial call were read back to his wife and these showed that Ms T had only "put down half the notes" of the call. The applicant asked that the content of the initial call be compared to Ms T's notes. According to the applicant, Ms T's alleged actions were tantamount to "tampering with evidence".

## Internal Handling

As a result of her conversation with the applicant, Ms U noted this complaint as follows:

*"The [applicant] stated that he later today spoke to another advisor who allowed his wife to tape their conversation on a dictaphone, and this other advisor had read out what [Ms T] had written on the notes. Which he states was only part of what had been said."*

Sergeant V did not refer to this matter in his report, nor is there any reference to it in Superintendent K's response.

## Consideration

As this complaint was not addressed by Grampian Police, the Commissioner does not consider that it was dealt with in a reasonable manner.

As noted in the background section to this report, Ms T's notes do not reflect the detail of the call made by the applicant's wife's. This is unfortunate, especially given the detail contained within Ms T's email to Inspector D. However, given that Inspector D was fully informed of the detail of the applicant's wife's call, there is clearly no basis for the applicant's claim that Ms T "tampered" with

evidence regarding the incident. In these circumstances, the Commissioner does not consider it necessary to recommend further action in this connection.

### **Complaint 3: “Tagging” system**

The applicant believes that Grampian Police operates a system whereby no police assistance is offered to himself and his family unless this is authorised by Inspector D. The applicant therefore believes that Grampian Police is discriminating against him and his family.

#### *Internal Handling*

Sergeant V made the following comments in his report:

*“... [The applicant] alleges during his call that notes on his record state that the police are not to be sent to see him without the permission of Inspector [D]. This is not correct.”*

Superintendent K provided the following response:

*“I can assure you that no instruction exists in relation to you, your family or home address regarding non attendance by Grampian Police to any incident justifying Police attendance.”*

#### *Consideration*

The papers received from Grampian Police indicate that on 21 December 2009 the following marker was placed on the applicant’s file:

*“21/12/9, OCC, VERY OBNOXIOUS, IS HAVING ONGOING PROBLEMS WITH HIS NEIGHBOURS. DBL CREW TO ATTEND AS HE LIKES TO COMPLAIN ABOUT POLICE. DTLS OF N’BOUR PROBLEMS PASSED TO [Sergeant N and Constable P].”*

In the Commissioner’s view, the above marker dispels a number of assumptions made by the applicant. Firstly, the terms of the marker do not prevent service centre staff from allocating police attendance to the applicant and his family’s calls. Indeed, according to the marker any officers dispatched by centre staff should be “double crewed.”

Secondly, the marker states that details of all incidents were to be passed to Sergeant N and Constable P, not Inspector D. In the Commissioner’s view, given the apparently intractable nature of the neighbour dispute which gave rise to the applicant’s complaints, it was entirely sensible for local neighbourhood officers to have been kept abreast of developments.

For these reasons, the Commissioner considers that this complaint was dealt with in a reasonable manner.

As noted above, the marker referred to the applicant as being “obnoxious”. In the Commissioner’s view, this was clearly inappropriate given its scope for creating pre-conceived attitudes among those dealing with the applicant. This appears to have been something recognised by Grampian Police as the description was subsequently removed from the system. In light of this, the Commissioner does not consider it necessary to recommend further action.

### **Conclusions, Recommendations and Learning**

#### **Complaints 1 and 3**

In the Commissioner’s view, the manner in which these complaints were dealt with by Grampian Police was reasonable. Accordingly, no further action is required in this connection.

## **Complaint 2**

In the Commissioner's view, the manner in which this complaint was dealt with by Grampian Police was not reasonable. However, no recommendation is made in this connection.

## Background

On 20 August 2010 the applicant called Grampian Police alleging that his twelve year old daughter had been “stalked” by one of his neighbours. According to the incident log, the applicant informed said that he had reported similar incidents in the past and that the problem had started again now that his daughter was back at school. The incident log states the following:

*“[Circumstances] today are that [the applicant’s neighbour] apparently came out to her door as [the applicant’s daughter] walked down the street, and stood with arms folded staring at [the applicant’s] daughter in a threatening manner. This lasted until [the applicant’s] daughter got to her own door, when the [applicant’s neighbour] went back inside. [The applicant] is convincing [sic] this is threatening behaviour, due to an ongoing neighbour dispute and wishes to make complaint.”*

The call handler advised the applicant that he would pass his allegation to local officers and that he would be contacted as soon as resources were available. On the same date, Constable P called the applicant to discuss his allegation. According to Constable P, she informed the applicant that the circumstances did not amount to a breach of the peace. Constable P states that she told the applicant the following:

*“I further stated to [the applicant] that I was aware that he had been told on numerous occasions that staring did not constitute a breach of the peace.”*

According to Constable P she then discussed with the applicant a number of incidents involving him and his family, and that the applicant thereafter accused her of having “an attitude problem.” Constable P recalled the following:

*“[The applicant] continued to be verbally aggressive towards me and again stated that I had an attitude problem. I advised [the applicant] that the reason for me calling him was not to argue and to discuss the incident he had reported to Grampian Police that day.*

*I continued to speak to [the applicant] and after approximately 15 seconds of speaking I could not hear [the applicant] nor any background noise. I said ‘Hello’ twice ... I received no reply and hung up the phone.”*

Constable P states that Constables X, Y and C overheard her conversation with the applicant.

## The Complaint

Based on the contents of the application form, the correspondence received from the applicant, and the information obtained from Grampian Police, the Commissioner has identified a single complaint, namely that Constable P was rude and abrupt when speaking to the applicant.

### Internal Handling

On 20 August 2010, the applicant called Grampian Police’s contact centre to make his complaint, following which it was passed to the Professional Standards Department for investigation. Sergeant Z undertook enquiries and obtained statements from Constables P and X.

Sergeant Z reached the following conclusion in his report of 5 October 2010:

*“...[Constable P] denied being rude or uncivil to [the applicant] and this is corroborated by [Constable X], who heard [Constable P]’s side of the conversation. This complaint is unsubstantiated.”*

On 5 October 2010, Superintendent AA provided the following response:

*“... Statements were obtained from [Constable P] and another Officer who was with her at the time and overheard your conversation. She denied being rude to you and advises that it was in fact you who became confrontational and agitated.*

*I am aware that Sergeant [Z] tried to make arrangements for an Officer to see you regarding this matter, to confirm if a crime had taken place regarding your daughter, but you advised the Officer who contacted you that the matter was in the hands of the Police Complaints Commission and you did not want Grampian Police involved.*

*After reviewing all the available evidence, I find this complaint is unsubstantiated.”*

### **Consideration**

Constable P’s account is corroborated by Constable X who provided the following account:

*“Throughout the conversation Constable [P] was polite and appeared to be attempting to explain to [the applicant] what exactly constituted a Breach of the Peace. About five minutes into the conversation [the applicant] appeared to hang up whilst Constable [P] was in mid sentence. Throughout the conversation Constable [P] was nothing less than polite, informative and composed.”*

The weight of the evidence therefore favours Constable P’s position. Accordingly, the Commissioner considers that Grampian Police was correct in finding the complaint to be unsubstantiated.

### **Conclusions, Recommendations and Learning**

In the Commissioner’s view, the manner in which this complaint was dealt with by Grampian Police was reasonable. Accordingly, no further action is required in this connection.

## The Complaints

- (1) that Inspector D has “profiled” the applicant and his family;
- (2) that Inspector D intended to obtain copies of letters from the Procurator Fiscal;
- (3) that the applicant was being investigated by police without having been interviewed;
- (4) that the applicant’s reports are passed to Inspector D for “perusal and final decision”;
- (5) that attending officers were rude and aggressive and left the applicant’s home without noting any details;
- (6) that the applicant’s report of his daughter being watched/stalked was not fully investigated by Grampian Police;
- (7) that Inspector D refused to answer the applicant’s questions;
- (8) that the Chief Constable is not “public friendly”;
- (9) that Sergeant N informed the applicant that his report would not be investigated; and
- (10) that Inspector D refused to progress his report that his daughter was stalked.

### Complaint 1: Alleged profiling

#### *Background*

As noted above, on 21 December 2009, a marker was placed on Grampian Police’s records relating to the applicant, providing the following information to service centre staff:

*“21/12/9, OCC, VERY OBNOXIOUS, IS HAVING ONGOING PROBLEMS WITH HIS NEIGHBOURS. DBL CREW TO ATTEND AS HE LIKES TO COMPLAIN ABOUT POLICE. DTLS OF N’BOUR PROBLEMS PASSED TO [Sergeant N and Constable P].”*

On 2 March 2010, Inspector D disseminated guidance to police and support staff on how to deal with any contact made by the applicant and his wife. The full text of the guidance is quoted below:

*“[The applicant and his wife] make frequent allegations against their neighbours, which, on occasion are found to be non-criminal in nature.*

*Unfortunately this dispute has resulted in [the applicant and his wife] generating media and local political interest. This has also led to a number of complaints being made against officers of Grampian Police as [the applicant and his wife] claim that enquiries are not dealt with competently.*

*Inspector [D] and Sergeant [N] are fully aware of the circumstances of this dispute and have previously met with all parties concerned in an effort to satisfactorily resolve the situation.*

*It is however, felt that [the applicant and his wife] will continue to contact Grampian Police on a regular basis. It is also felt that they have potential to generate malicious complaints against their neighbours as a result of their perceived poor level of service from the police.*

*It is suspected that [the applicant and his wife] have now resorted to taping telephone conversations during contact with members of the police and support staff of Grampian Police.*

*As such, after discussion between Inspector [D] and Force Service Centre Supervisors the following points are to be considered on all occasions [the applicant and his wife] have cause to contact Grampian Police.*

- *Ensure full grounds exist regarding perceived criminality before raising Crimefile or unit being allocated to attend their home address.*
- *Establish if there are any independent witnesses in order to fully substantiate allegations being made.*
- *Ascertain if incident can be directed to more appropriate agency. In past complaints have been made regarding illegal parking of vehicles ... Consideration to be given to referral to City Wardens.*
- *If complaint being made against any member of police or support staff, efforts to be made to confirm full circumstances of allegation being made and where possible, confirm date of incidents (In the past, duplication of similar incidents has led to uncertainty in identifying specific officers who may become subject of complains.)*
- *Fully record information pertaining to the expectations of [the applicant and his wife] in relation to police action to be taken.*

*By giving consideration to the above points it is hoped that future complaints against members of staff will be avoided or at least reduced and [the applicant and his wife] will be provided with an acceptable level of service delivery on every occasion.*

*The purpose of this information is to assist in ensuring appropriate police resources are deployed to attend to incidents relating to this particular neighbourhood dispute.”*

The applicant believes that Inspector D “profiled” him and his family and tried to portray them as trouble-makers. In addition, according to the applicant Inspector D suggested that what the applicant and his family were going through was justified.

### *Internal Handling*

On 1 October 2010, the applicant emailed Grampian Police detailing complaints 1-3 above. On 16 October 2010, he emailed raising complaint 4. Chief Inspector BB was tasked with investigating the complaints. On 25 October 2010, statements were obtained from the applicant and Inspector D. In respect of complaint 1, Inspector D provided the following account:

*“From the continual insistence of [the applicant and his wife] to make allegations against members of my staff and other Officers I deemed it appropriate to have specific markers placed against the home address of [the applicant and his wife] to inform Officers of the requirement to conduct robust enquiry. It was also highlighted that the occupants [the applicant and his wife] may make official Complaints Against the Police. This particular marker was placed against this address on 21 December 2009. It has since been slightly amended on a number of occasions.*

*In order to ensure that appropriate Police enquiries were conducted in relation to the neighbour dispute I also compiled detailed information to assist members of staff within the Force Service Centre. This was done to assist in the handling of calls received from any party involved in the dispute and also advise staff of the potential for complaints to be made against the Police. This information was provided to the Force Service Centre Supervisors on 2 March 2010.”*

Statements were also obtained from Chief Inspector G, Sergeant N, Constable P, Constable DD, Constable C, Constable X, Constable CC and Constable Y.

Chief Inspector BB stated the following in his report:

*“Enquiry showed that as the Local Policing Inspector, [Inspector D] has been involved in extensive liaison with the Procurator Fiscal, Aberdeen City Council and Local Councillors to try and resolve intense neighbourhood issues that is taking up extensive police time, to the detriment of other local priorities. [Inspector D] is looking at all aspects and one of these is the volume of incidents [the applicant] has reported, in an attempt to build a proper intelligence picture, with partners. This is totally acceptable and has to be commended, due to the amount of time and effort this has involved. – Complaint Unsubstantiated.”*

On 17 November 2010, Superintendent AA wrote to the applicant with the following generic response to all of the above complaints.

*“I can advise that the Officers variously involved in all these incident [sic] have been spoken to by Chief Inspector [BB] and their operational statements obtained. All officers totally refute your allegations.*

*... In addition, the various aspects of the incidents you have reported have been reviewed and this has not highlighted any failings in relation to the level of enquiry undertaken or the level of service you have been provided. No aspects provide or offer any corroboration to your allegations.*

*Due to this I can only find each aspect of your complaint unsubstantiated.”*

### **Consideration**

Given that specific guidance was introduced to assist in dealing with the applicant and his wife, there is no doubt that they have been treated differently to other members of the public. In the Commissioner’s view, however, the question is whether the guidance placed the applicant and his wife at some form of disadvantage.

In the Commissioner’s view, the five points which Inspector D required to be considered in the guidance were entirely sensible and pragmatic given the number of allegations which the applicant had made to the police regarding his neighbours. In these circumstances, the Commissioner does not believe that the terms of the guidance could reasonably be viewed as having placed the applicant or his wife at any disadvantage. Accordingly, the Commissioner considers that the conclusion reached by Chief Inspector BB and response provided by Superintendent AA were reasonable.

### **Complaint 2: Request for correspondence from the Procurator Fiscal**

The applicant states that, during a conversation on 1 October 2010, he informed Inspector D that he had sent a letter to the Procurator Fiscal. According to the applicant, Inspector D told him he would be requesting a copy of the letter from the Procurator Fiscal. The applicant does not believe that Inspector D was entitled to do so and that this might have constituted an “abuse of power”.

### **Internal Handling**

In his response to this complaint, Inspector D’s made the following comments:

*“I totally refute the allegations made by [the applicant] in his complaint, being that I have been incivil [sic] to him, all actions and contact I have had have been civil, professional and*

*have been taken in the best interest of bringing this neighbourhood issue to a peaceful resolution. This has involved discussion with key partners, COPFS and Aberdeen City Council. None of which have been illegal or against protocols.”*

Chief Inspector BB stated the following in his report:

*“... A copy of the letter was never released or asked for, as there was no need. Data sharing protocols would however have allowed. – Complaint Unsubstantiated.”*

Superintendent AA’s response has been detailed under complaint 1 above.

### *Consideration*

As can be seen from Chief Inspector BB’s enquiry, Inspector D did not ask the Procurator Fiscal for a copy of the letter in question. In other words, there is no foundation to the applicant’s complaint that by obtaining the letter Inspector D might have abused his authority. In any event, Chief Inspector BB found that information-sharing protocols in place between the Procurator Fiscal and Grampian Police would have allowed for the applicant’s letter to be shared with the police had Inspector D requested it.

In these circumstances, the Commissioner considers that the conclusion reached by Chief Inspector BB was reasonable.

### **Complaint 3: Investigation without interview**

According to the applicant, during a conversation on 1 October 2010, Inspector D “let slip” to him that the applicant’s whereabouts were being investigated in connection with an alleged offence. The applicant was concerned that he had not been interviewed in connection with this alleged offence. He thereafter spoke to Chief Inspector G on the telephone and complained that Chief Inspector G “showed no interest” and told him that “he could not care.”

### *Internal Handling*

As part of the enquiries, a statement was obtained from Chief Inspector G in which he denied the allegations made by the applicant. Chief Inspector BB stated the following in his report:

*“Chief Inspector [G] states that he was civil and professional at all times, explained the issues that [the applicant] raised and that all matters had been fully investigated. Complaint unsubstantiated.”*

Superintendent AA’s response has been detailed under complaint 1 above.

### *Consideration*

Given the competing accounts of the applicant and Chief Inspector G, it is not possible to substantiate this complaint based on the available evidence. In these circumstances, the Commissioner considers that the response provided by Superintendent AA is reasonable.

### **Complaint 4: Reports passed to Inspector D**

According to the applicant, during a conversation between his wife and Constable X, in which his wife had asked for an update on an incident she had reported, Constable X said that no action could be taken until “he had presented everything to Inspector D”. In light of this, the applicant believed that his allegations were being passed to Inspector D for his “perusal and final decision”

and that Inspector D was therefore undermining his officers' ability to discharge their duties effectively.

### *Internal Handling*

Inspector D provided the following account:

*"As a result of a number of ongoing enquiries generated by reports made by the [applicant's] family between June and October 2010, I was once again required to oversee these enquiries and provide appropriate advice to members of my staff including Supervisor. This level of involvement from my perspective was to ensure correct levels of service were being provided to complainers whilst simultaneously ensuring members of my staff were adequately protected from unfounded allegations regarding action they required to take during their enquiries.*

*Of these enquires, on 1 October 2010 I was required to contact [the applicant] in order to provide him with an interim update in relation to [a specified crimefile]. This enquiry was being progressed by Constable [X] ... who was meantime on Annual Leave.*

*On contacting [the applicant] I attempted to provide him with a detailed update of how the enquiry was being progressed and the intended courses of action to be taken.*

*... I believe that an inordinate amount of time is having to be spent by my Local Policing Team dealing with [the applicant]'s numerous complaints to the detriment of the bigger [local] community. The vast majority have been found to be of no substance or at the scale where normally no further Police action would be undertaken, which I have discussed with the Procurator Fiscal. In relation to the small number that have had substance, these have been dealt with as per proper Police procedure, either through Formal Adult Warnings or reports to COPFS."*

Constable X stated the following:

*"[The applicant's wife] then spoke to me with regards to an incident I am dealing with where a middle aged female was allegedly following their eldest daughter. I explained to him that my Inspector (Inspector [D]) was taking an interest in the incident and wished me to present all the evidence to himself before any further action was to be taken.*

*... I was made aware by Chief Inspector [BB] that [the applicant] had made a complaint with regards to Inspector [D] attempting to impede any complaint made by the [applicant's] family. I assured Chief Inspector [BB] this was not the case and explained that Inspector [D] has a genuine interest in all issues within his Local Policing Area."*

Chief Inspector BB stated the following in his report:

*"Enquiry has shown that this is not factual, as part of the management of this whole issue, [Inspector D] has an overview of the incidents, however has advised staff that they need to investigate these and provide suitable updates and closure. Officers need to make him aware of all and any issues. – Complaint Unsubstantiated."*

Superintendent AA's response has been detailed under complaint 1 above.

### *Consideration*

As can be seen from the terms of the guidance quoted above, there was no requirement for the applicant's allegations to be referred to Inspector D for "perusal and final decision". According to

Inspector D, however, as a result of the number of allegations concerning the applicant and his family, he began to oversee enquiries and provide appropriate advice to members of his staff.

Given the number of reports made by the applicant to Grampian Police, and the volume of complaints being generated against police officers, the Commissioner considers it entirely appropriate for Inspector D to have adopted an oversight role. Furthermore, no evidence has been provided to the Commissioner that Inspector D's role impacted negatively on the way in which the applicant's allegations were treated by Grampian Police.

For these reasons, the Commissioner considers that the conclusion drawn by Chief Inspector BB and the response provided by Superintendent AA are reasonable.

## **Complaint 5: Alleged rude and aggressive behaviour**

### *Background*

On 28 October 2010 the applicant called Grampian Police's service centre alleging that a man had stopped in front of his house and "stuck" his mobile phone into the applicant's face. According to the applicant the look on the man's face had upset the applicant's two children and he believed there was going to be a fight. The applicant stated that he did not recognise the man but believed him to have connections to his neighbours. According to the applicant the man had no business recording him on a mobile phone. He requested immediate police attendance.

Later that day, Constable P and Constable Y attended the applicant's home to make enquiries. Constable P states that it was her intention to speak to the applicant about a number of allegations which he had made, and she asked the applicant if she could enter his house to do so. Both officers state that the applicant refused them entry and that he wished to discuss only the incident which had occurred earlier that day.

According to Constable P, she asked the applicant why he did not wish to speak about all of his allegations. Both officers state that the applicant became agitated and began to raise his voice. Constable P states that the applicant told her she had an attitude problem and alleged that she was speaking to him in a threatening manner.

According to both officers, the applicant's wife then came to the front door and told the applicant to "leave it and go back into the house." The applicant then closed the door and both officers left.

The following day, the applicant called Grampian Police's service centre complaining that Constables P and Y were rude and aggressive and had left his home without noting any details.

### *Internal Handling*

Following the applicant's call, the call handler sent an email to the Professional Standards Department. Given that Chief Inspector BB was in the process of investigating a number of other complaints made by the applicant, the investigation of this complaint was also allocated to him.

Chief Inspector BB thereafter obtained statements from Constables P and Y. Both officers denied having raised their voices or spoke to the applicant in a threatening manner. According to the officers it had in fact been the applicant who had been threatening and antagonistic towards them.

Chief Inspector BB stated the following in his report:

*"Enquiry has shown that the Officers who attended explained to [the applicant] why they were there and would speak to him in relation to the incidents he had reported. He refused them entry, did not want to discuss all the issues and was hostile. The Officers advised*

*they were there to deal with all the incidents he had reported, he refused was angry, refused entry and closed the door. – Complaint Unsubstantiated.”*

Superintendent AA’s response has been detailed under complaint 1 above.

### *Consideration*

On one hand the applicant states that Constables P and Y were rude and aggressive. On the other, the officers deny this and state that it was the applicant who had been threatening and antagonistic. In these circumstances, the Commissioner does not consider this complaint to be substantiated. The Commissioner therefore considers that the conclusion reached by Grampian Police was reasonable.

In respect of the applicant’s concern that no details were noted from him, the evidence of both officers is that the applicant closed the door on them following advice from his wife. In these circumstances, the Commissioner also does not consider this aspect of the complaint capable of being substantiated.

### **Complaint 6: Absence of full investigation**

#### *Background*

On 6 October 2010, the applicant called Grampian Police’s service centre alleging that one of his neighbours, Mr A, had been “spying” on his 12 year old daughter as she was playing netball at a local sports centre. The applicant advised the call handler that Mr A was due to appear in court regarding an earlier incident and that he felt Mr A’s alleged actions were connected with this.

Constable CC attended the applicant’s home later that evening and obtained statements from the applicant and his daughter. According to Constable CC, the applicant’s daughter told him that she had looked out of the window of the gym hall and saw Mr A standing at the front entrance with another male. According to the applicant’s daughter, Mr A was wearing gym clothes. Constable CC states that he asked the applicant’s daughter what Mr A was doing and that she told him, “Nothing, just standing there.” According to Constable CC, the applicant’s daughter told him that Mr A had merely looked at her and had not threatened or spoken to her.

Approximately two weeks later, Constable CC spoke to Mr A who confirmed having been at the sports centre that evening with his father to use the facilities, but claimed not to have seen the applicant’s daughter.

Constable CC subsequently called the applicant to inform him that, having considered the matter, no crime had taken place and that the police would not be taking any further action.

On 1 November 2010, the applicant emailed Grampian Police complaining that Constable CC did not check CCTV footage from the sports centre. The applicant also alleged that Constable CC did not know that the applicant had “sent 4 requests offering new witnesses.”

#### *Internal Handling*

Chief Inspector BB obtained a statement from Constable CC in this connection. He stated the following in his report:

*“Enquiry has shown that sufficient enquiry was carried out which showed no evidence of an offence, the outcome was then fed back to [the applicant]. – Complaint Unsubstantiated.”*

Superintendent AA’s response has been detailed under complaint 1 above.

## Consideration

According to Constable CC he did not request CCTV because it was not disputed that Mr A was at the sports centre on the evening in question and that he “saw no point in confirming what we all knew.”

In respect of the four additional witnesses to the incident, given the applicant’s daughter’s account that Mr A had simply looked at her, it is unclear to the Commissioner how these witnesses could have contributed to the enquiry or altered Constable CC’s conclusion that no crime had been committed.

In light of this, the Commissioner considers that the conclusion reached by Chief Inspector BB and the response provided by Superintendent AA are reasonable.

## Complaint 7: Alleged refusal to answer questions

### Background

On 31 October 2010, the applicant sent an email to Inspector D asking six questions. On 2 November 2010, the applicant sent Inspector D the following further email:

*“It would be nice if you acknowledged receipt and informed me when to expect my answers!”*

On 4 November 2010, Inspector D responded to the email providing responses to each of the questions. On 9 November 2010, the applicant emailed Grampian Police complaining that Inspector D had refused to answer his questions.

### Internal Handling

Chief Inspector BB stated the following in his report:

*“Enquiry has shown that [the applicant] has inundated Inspector [D] with Emails in relation to past complaints and incidents that have been investigated, or are ongoing. [Inspector D] has responded to these, with replies. However as they are not to [the applicant]’s satisfaction. From his perspective, he continues in this dialogue. Following instruction, due to the volume being received and the abusive content, [Inspector D] has now been instructed to simply send an acknowledgement. – Complaint Unsubstantiated.”*

Superintendent AA’s response has been detailed under complaint 1 above.

## Consideration

Given that Inspector D responded on 4 November 2010 to each of the questions posed by the applicant, this complaint is clearly without merit. The Commissioner therefore considers Chief Inspector BB’s conclusion to be reasonable.

## Complaint 8: That the Chief Constable is not “public friendly”

During a telephone call to Grampian Police’s service centre on 8 November 2010, the applicant asked to be transferred to the Chief Constable. After being told this would not happen, the applicant complained that the Chief Constable was not “public friendly”.

### *Internal Handling*

Chief Inspector BB stated the following in his report:

*“Enquiry has shown that this is not a procedure that is done and if a member of the community has any issue or complaint they record it through the proper process. This was explained to [the applicant], who was abusive. – Complaint Unsubstantiated.”*

Superintendent AA’s response has been detailed under complaint 1 above.

### *Consideration*

Whilst this complaint is, ostensibly, a complaint about the Chief Constable, the Commissioner considers that it in fact concerns the decision of staff at the service centre not to transfer the applicant’s call to the Chief Constable.

In the Commissioner’s view, it was entirely reasonable in the circumstances for service centre staff not to transfer the applicant’s call to the Chief Constable. The Commissioner considers that Chief Inspector BB’s conclusion was reasonable.

## **Complaint 9: Sergeant N’s advice that an allegation would not be investigated**

### *Background*

On 9 November 2010, the applicant called Grampian Police’s service centre complaining that Mr A’s father was revving his car engine outside the applicant’s home. The applicant advised that this was a regular occurrence and that he was concerned he would get “jumped” if he left his house. The call handler confirmed with the applicant that he wished a unit to attend and advised him that she would create a log of the incident.

The following day, Sergeant N telephoned the applicant to discuss the incident. According to Sergeant N, the applicant told him that Mr A’s father had sat outside his home on 5 and 8 November 2010 for about two minutes each time, occasionally revving the engine of his car. According to Sergeant N the applicant told him he had no problem with the vehicle being present on a public road, and that there had been no threat made towards him.

Sergeant N informed the applicant that he did not believe the matter to be criminal in nature and that he would not be instigating a police investigation. He advised, however, that he would bring the matter to the attention of the police officer who was dealing with an investigation into allegations which the applicant had made against Mr A’s father.

On 10 November 2010 the applicant emailed Grampian Police complaining about the decision taken by Sergeant N.

### *Internal Handling*

Chief Inspector BB stated the following in his report:

*“Enquiry has shown that the incident [the applicant] was reporting was not a criminal matter, nor a matter for any concern. He had stated that his neighbour had sat in his car outside his house for a matter of a couple of minutes on a Friday and Monday evening, [the applicant] feared that if he left his house, he may have been assaulted, although there were no grounds to this. Sergeant [N] advised [the applicant] that this was not a criminal matter however would and did make the local Officer aware, who was dealing with previous neighbourhood issues. – Complaint Unsubstantiated.”*

Superintendent AA's response has been detailed under complaint 1 above.

### *Consideration*

The Commissioner acknowledges the applicant's concern that the alleged actions of Mr A's father were part of a campaign of intimidation against him and his family. However, based on the evidence there is no reasonable basis for concluding that Mr A's actions on this occasion were criminal in nature. In these circumstances, the Commissioner considers that the conclusion reached by Chief Inspector BB is reasonable.

## **Complaint 10: That Inspector D refused to progress a report**

### *Background*

On 4 January 2010, the applicant called Grampian Police to report that, according to his daughter, she felt she was being "stared at" by Mrs L and Mr A whilst walking home from school. An incident log was created and officers attended the scene. The incident log contains the following details:

*"...This would be a long running neighbourhood dispute of which [local] officers are well aware. Neighbourhood officers have attended and spoken at length with [the applicant's daughter] and [the applicants wife]. It has been clarified that apart from Mr [A] staring at [the applicant's daughter] from within the confines of his mother's garden ... nothing else is amiss. Due to [the applicant's wife] being present at some of the occasions mentioned, coupled with the obvious bad feeling within the immediate area towards this family it is the unreserved opinion of the enquiry officer that no crime has been committed. [The applicant's wife] is aware of this and has been given my details should there be any further occurrences."*

On 20 August 2010, the applicant called Grampian Police to advise that his eldest daughter was again concerned that she was being "stalked" by Mrs L and Mr A (the background to the police action is noted in review reference PCCS/00194/09/PF-GP(E) above)

On 10 November 2010, the applicant emailed Grampian Police complaining about its decision that there was insufficient evidence to proceed with the allegation. The applicant alleged that Inspector D was "corrupt" and was placing his daughter at risk.

### *Internal Handling*

Chief Inspector BB stated the following in his report:

*"Enquiry has shown that this matter has been fully investigated and there is no evidence of any offences having been committed, this has been fed back to [the applicant]. – Complaint Unsubstantiated."*

Superintendent AA's response has been detailed under complaint 1 above.

### *Consideration*

As can be seen from the logs of the incident, enquiry was made into the applicant's allegations and it was found that no criminal act had occurred. In the Commissioner's view, the simple act of looking or "staring" at a person does not, in itself, constitute a criminal offence. Accordingly the Commissioner considers that Grampian Police's decision not to proceed further with the allegation was entirely reasonable.

The Commissioner considers that Chief Inspector BB's conclusion and Superintendent AA's response are reasonable.

## **Conclusions, Recommendations and Learning**

### **Complaints 1 -10**

In the Commissioner's view, the manner in which these complaints were dealt with by Grampian Police was reasonable. Accordingly, no further action is required in this connection.

## The Complaints

Based on the contents of the application form, the correspondence received from the applicant, and the information obtained from Grampian Police, the Commissioner has identified the following complaints:

(1) that Constable DD took no action in respect of the applicant's reports that he had been harassed and intimidated; and

(2) that Constable DD reported the applicant and his wife to the Social Work Department.

### Complaint 1: Alleged lack of action

#### *Background*

At approximately 4:40 pm on 27 October 2010, the applicant called Grampian Police's service centre alleging that Mr A had threatened him. According to the police log of the incident, Mr A advised the applicant "I will have you anytime."

Around 20 minutes later, the applicant called the service centre to report that Mrs L had called him "a f\*\*\*\*\*g idiot." At the same time, Mrs L called the service centre alleging that the applicant had been making rude gestures towards her property.

Approximately 45 minutes later, the applicant called the service centre to advise that his wife had received three silent calls on her mobile phone and that the numbers had been withheld.

Police attended the applicant's home in connection with the incidents.

At 8:30 pm, the applicant called the service centre again alleging that, within the previous hour, his wife and daughter had been recorded on video by Mr A. The applicant requested that officers attend. At 9:43 pm, the applicant reported to the service centre that he himself had received two silent calls and that the numbers had not been withheld.

The following day, the applicant called the service centre alleging that a man had stopped in front of his house and "stuck" his mobile phone into the applicant's face. The applicant stated that the look on the man's face had upset the applicant's two children and that he believed that there was going to be a fight. The applicant stated that he did not recognise the man but believed he was the father of Mr A. The applicant requested immediate police attendance.

Later that day, Constables P and Y attended the applicant's home to enquire into the matter. Complaints arising from both officers' attendance are reviewed above.

On 29 October 2010, Constable DD visited the applicant to discuss his allegations. Constable DD states that, given the number of allegations made, she intended to take an all-encompassing statement from the applicant and study this on her return to the police office. During Constable DD's visit, the applicant told her that he had recorded Mr A's father's actions on his mobile phone and transferred the footage onto a DVD. The applicant provided Constable DD with the DVD.

Having discussed the applicant's allegations with Inspector D, Constable DD concluded that there was no "criminality involved." On 15 November 2010, Constable DD informed the applicant of her determination.

Later that day, the applicant emailed the service centre complaining that no action had been taken by Grampian Police in respect of his allegations.

### *Internal Handling*

Chief Inspector G was appointed to investigate the applicant's complaints. As part of his enquiries, he considered the content of the operational statements previously submitted by Constables DD and X. Chief Inspector G examined each of the allegations made by the applicant and assessed whether they had been dealt with appropriately. In respect of the applicant's concerns over how Constable DD investigated the anonymous phone calls, Chief Inspector G stated the following in his report:

*"[Constable DD] has since confirmed that both she and [Constable Y] did make enquiries into the anonymous calls, and determined that they had been made from public telephone boxes in [location]. There is no CCTV covering the location of these phone boxes and there [is] nothing said in the context of the calls that could identify the caller. [Constable DD] updated [the applicant] with the result of these enquiries in a phone call made to him on 15 November 2010. This complaint is therefore unsubstantiated."*

In respect of the applicant's concerns over how Constable DD dealt with his remaining issues, Chief Inspector G stated the following:

*"[Constable DD] was instructed to attend on 29 October to obtain the necessary information, which she did in some detail. She then discussed the detail of all aspects of the complaint with Inspector [D] ... and this confirmed there is no criminality associated with the complaints. [The applicant] was advised accordingly but does not accept that decision."*

Chief Inspector G reached the following conclusion:

*"Following the review of the Operational Statements from [Constables DD and Y] from the previous complaints made by [the applicant], and also from the account given by Inspector [D] and information provided in person and in the [enquiry officer's] Report compiled by [Chief Inspector BB], it can be evidenced that none of the complaints are substantiated, and that enquiry into some of the allegations has already been made during the previous investigations conducted by [Chief Inspector BB]."*

On 7 December 2010, Chief Inspector G wrote to the applicant, stating:

*"On 15 November 2010, you [and your wife] make reference to an incident in which you state that you were intimidated by [Mr A's father] in your front garden, video footage of which exists and is in our possession. You also refer to anonymous telephone calls made to you and you allege that insufficient enquiry was made into the incidents by [Constable DD]."*

*As you are aware, enquiry was made into the calls and [Constable DD] provided you with an update on the enquiry on 15 November 2010. The calls were made from public telephone boxes in [location], but there is no way of determining who made the calls, as the telephone boxes are not covered by CCTV and there was nothing said in the context of the calls to identify the caller.*

*The Police enquiry into the video footage element of this incident has already been the subject of an investigation by Chief Inspector [BB], who found that enquiries had been conducted in a satisfactory manner. I also find this allegation unsubstantiated."*

## Consideration

In respect of the applicant's concerns over the way in which the anonymous calls were dealt with, enquiries established that there were no CCTV cameras covering the public telephone boxes in question, and that nothing was said during the calls themselves. Accordingly, there is no evidence to identify the callers. In light of this, the Commissioner considers that Chief Inspector G's response was reasonable.

The applicant has also complained about Grampian Police's conclusion that no crime was committed by Mr A's father when he recorded the applicant on his property. The mobile phone footage produced by the applicant in this connection confirms that he was recording Mr A's father, at the same time as Mr A's father began recording the applicant. If it is the applicant's contention that Mr A's father was committing an offence, it is difficult to avoid the conclusion that the applicant committed the same offence. Having had regard to the mobile phone footage, the Commissioner shares the view expressed by Chief Inspectors GG and BB.

On 27 and 28 October 2010 the applicant made a number of other allegations to the police concerning the actions of Mr A and Mrs L. However, Chief Inspector G did not address the applicant's concern that these incidents were not dealt with appropriately. In light of this, the Commissioner does not consider that this complaint was dealt with in a reasonable manner. However, given the extent of resources which have already been dedicated to dealing with the applicant's concerns in this connection, the Commissioner does not consider it appropriate to recommend further action in this connection.

## Complaint 2: That the applicant was reported to Social Services

On 26 November 2010, the applicant emailed Grampian Police stating that Constable DD had reported him to social services as a result of complaint which he had made against her. The applicant believed that Constable DD's contact with social services was an abuse of her position.

## Internal Handling

Chief Inspector G stated the following in his report:

*"[The applicant] also alleges ... that [Constable DD] has maliciously reported [him] to Social Services as a direct result of [the applicant]'s complaint about [Constable DD]. Again, this is completely without substance and the report made to Social Services was at the specific instructions of [Chief Inspector BB], who, having reviewed all the available information, was concerned at [the applicant]'s behaviour in front of his daughter ... This complaint is therefore unsubstantiated."*

Chief Inspector G responded as follows:

*"Also on 26 November, you alleged that [Constable DD] maliciously reported [the applicant] to Social Services as a direct result of [the applicant]'s complaint about [Constable DD]. Again, I find this allegation unsubstantiated as the report was made to Social Services after discussions with and on the instructions of senior command officers as per normal police procedure."*

## Consideration

It is clear that the decision to report the applicant to social services was not taken by Constable DD. Accordingly, the applicant's belief that Constable DD had done so as a result of a complaint he had made against her is clearly unfounded.

The Commissioner considers that this complaint was dealt with in a reasonable manner.

## **Conclusions, Recommendations and Learning**

### **Complaint 1: Alleged lack of action**

In the Commissioner's view, the manner in which this complaint was dealt with by Grampian Police was not reasonable. However, no recommendation is made in this connection.

### **Complaint 2: That the applicant was reported to Social Services**

In the Commissioner's view, the manner in which this complaint was dealt with by Grampian Police was reasonable. Accordingly, no further action is required in this connection.

## Background

Following Constable DD's determination that the actions of Mr A's father were not criminal in nature, on 14 December 2010 the applicant complained by email that the DVD he had supplied to the police had not been returned to him.

## The Complaint

Based on the contents of the application form, the correspondence received from the applicant, and the information obtained from Grampian Police, the Commissioner has identified a single complaint, namely that Constable DD did not return a DVD to the applicant.

### *Internal Handling*

Inspector EE was appointed to make enquiries in respect of this complaint. He reached the following conclusion in his report:

*"I established from [Constable DD] that the DVD in question was handed over to her during an enquiry relating to an incident in which the Complainer stated that [Mr A's father] intimidated him in his front garden. This incident had been recorded by the Complainer on his mobile telephone and transferred to DVD by the Complainer for the Police enquiry. This incident was investigated and was found not to be a criminal matter. A previous complaint from [the applicant] in regard to that enquiry has been investigated by Chief Inspector [BB] and found to be unsubstantiated.*

*[Constable DD] advised that the DVD had been required for his earlier enquiry, but could now be returned to [the applicant]. She indicated that this would be done forthwith. I could find no wrongdoing on the part of [Constable DD], or any other member of Grampian Police, and consequently, the complaint is unsubstantiated."*

On 21 December 2010, Chief Inspector G provided the following response:

*"... I now have Inspector [EE]'s report to hand and from it, I am aware that the DVD referred to by you relates to an incident in which you state that [Mr A's father] intimidated you in your front garden.*

*I have also established that a Police enquiry into the footage element of this incident has already been the subject of an investigation by Chief Inspector [BB], who found that enquiries had been conducted in a satisfactory manner. The DVD content formed part of the evidential review carried out during that enquiry.*

*Inspector [EE] has spoken to the Enquiry Officer, Constable [DD], and has established that all Police requirement for the DVD is concluded. Constable [DD] has it in hand to return the DVD to you, in line with normal procedure for return of items on completion of enquiries. Inspector [EE] has instructed that this be done without further delay.*

*I appreciate that you perceive there to have been an unnecessary delay in returning the DVD to you, however, Inspector [EE]'s enquiries have not highlighted any failings in relation to the level of service with which you have been provided. Consequently, I find your complaint unsubstantiated."*

### *Consideration*

In the Commissioner's view, given that the DVD constituted evidence supplied during the course of an investigation into an alleged criminal offence, it was reasonable for Grampian Police to have retained possession of this.

Furthermore, the DVD was viewed during enquiries into the applicant's complaint that Constable DD had not properly investigated the incident in question. In this connection, the DVD would require to have been retained under the terms of the records retention policy.

It is therefore perfectly understandable why the DVD was not returned immediately to the applicant. Upon receipt of the applicant's complaint, arrangements were made to return the DVD to him. In the Commissioner's view, it is unclear why the applicant felt it necessary to lodge a complaint in this respect, as opposed to simply requesting the return of the DVD.

### **Conclusions, Recommendations and Learning**

In the Commissioner's view, the manner in which this complaint was dealt with by Grampian Police was reasonable. Accordingly no further action is required in this connection.

## The Complaints

Based on the contents of the application form, the correspondence received from the applicant, and the information obtained from Grampian Police, the Commissioner has identified the following complaints:

- (1) that the applicant was threatened and verbally abused by Constable FF; and
- (2) that Constable DD took no action in respect of the positioning of his neighbour's CCTV.

### Complaint 1: Alleged abuse

#### *Background*

On 4 January 2011, the applicant called Grampian Police's service centre alleging that Mrs L had positioned a CCTV camera which was filming his property. The applicant advised he had reported this incident to the police a week previously but that Mrs L continued to record his property. The call handler passed the applicant through to the assistant supervisor of the service centre.

According to the applicant, all he wanted was the police to attend his neighbour's property to check that everything was okay. The assistant supervisor advised the applicant that, as per the terms of a protocol which had been put in place to deal with the applicant's calls, he would require to attend a police office to provide a statement in this connection. According to the applicant he had previously been advised by a member of call handling staff that he would be seen at his home by officers and he queried why he was being treated differently from other members of the public. The assistant supervisor reiterated that he would require to attend a police office to provide a statement.

The applicant thereafter attended at a local police station where Constable FF was the only officer on duty. According to Constable FF, the applicant accused a police officer of having reported him to the social work department and asked why he had to travel 14 miles to provide a statement to the police. Constable FF states that he told the applicant that he had to obey the terms of the protocol in place and that he had no knowledge of him having been reported to social services. According to Constable FF, the applicant thereafter became verbally abusive towards him.

Later that day, the applicant complained to Grampian Police that Constable FF had threatened and verbally abused him. Constable FF denied that he had shouted, sworn or threatened the applicant.

#### *Internal Handling*

Sergeant Z was appointed to make enquiries into the applicant's complaints and obtained a statement from Constable FF in this connection. According to Sergeant Z, he also made several unsuccessful attempts to contact the applicant to discuss his complaint.

Sergeant Z stated the following in his report of 21 February 2011:

*"I obtained CCTV footage covering the exterior of the Police Office ... It shows the complainer attending at the Office and speaking to an Officer at the door. There is no audio to the footage.*

*After the complainer left, [Constable FF] raised a STORM Incident advising that the complainer had attended there and been very abusive to him, using phrases such as 'Corrupt Bastard' and 'Pig Bastard'. [Constable FF] attempted to speak with him, but he left singing 'Old MacDonald had a farm' and making 'pig noises'. I obtained an operational statement from [Constable FF]. He completely denies the allegation and advised that the complainer was rude and abusive towards him. There were no other Officers at the Police Office at the time and the complainer was also alone.*

*On 5 February 2011, the complainer was in custody regarding another matter and was interviewed by [Constable GG] and [Constable FF]. At the conclusion of the interview, the complainer began to cry and stated that a neighbour dispute was putting pressure on him and he was taking it out on the police. He saw that his actions had been wrong and wanted to apologise to every Police Officer and member of staff he had abused. He spoke to [Constable FF] and apologised for the language, outburst and 'pig' references he made ... He asked [Constable FF] to shake his hand and asked if they could 'wipe the slate clean and start again'. [Constable FF] shook his hand.*

*... In my opinion. This is yet another vexatious complaint regarding Grampian Police. Yet again the Officer has done nothing wrong, however, the complainer has sought to complain, fully in the knowledge that he was in fact the person being rude and indeed, he later apologised for his behaviour that day. There is no substance to this complaint and the complainer's actions afterwards suggest that he was the person at fault."*

On 21 February 2011, Superintendent HH provided the following response to the complaint:

*"A statement was obtained from the Officer involved and he completely denies being rude or aggressive and in fact states that you were agitated and swore at him, then made 'pig noises' towards him.*

*I am also aware that on 5 February 2011, the same Officer and his colleague had cause to interview you regarding another matter. I am advised that at the conclusion of the interview you became emotionally upset and advised him that you were sorry and apologised for the way you behaved at [the local police office] and offered to shake his hand to 'wipe the slate clean and start again'.*

*I have reviewed the available evidence and on balance and given your comments afterwards cannot find evidence to support your complaint."*

### **Consideration**

There is clearly no evidence in support of the applicant's complaint. Indeed, Constable FF's account is provided significant support by virtue of the fact that the applicant subsequently apologised to him for the comments he made to him on 4 January 2011.

For these reasons, the Commissioner considers that this complaint was dealt with in a reasonable manner.

### **Complaint 2 : Constable DD's alleged lack of action re the positioning of CCTV**

On 6 January 2011, Constable DD visited the applicant to return his DVD. During the visit, Constable DD informed the applicant that no police action would be taken in connection with his previous allegation that Mrs L had pointed a CCTV camera in the direction of the applicant's property.

### *Internal Handling*

Given that Sergeant Z was dealing with the applicant's complaint of 4 January 2011, this complaint was also allocated to him. Constable DD was asked to respond to the allegation made against her. Sergeant Z reached the following conclusion:

*"On 30 December 2010, the complainer e-mailed Grampian Police to complain that his neighbour had CCTV which was covering his house. He believed that this should not be allowed and wanted the Police to take action.*

*[Constable DD] had knowledge of the incident and was aware that the complainer had previously made a similar complaint which she had investigated. The CCTV camera was a fake and not recording anything, but was placed as a deterrent.*

*On 6 January 2011, she was at the complainer's address regarding another matter and advised him that the complaint had been previously investigated, that the neighbour was not committing an offence and that Grampian Police would not be taking any action.*

*...The complaint that the neighbour's CCTV was filming his house was previously investigated by the Police and [Constable DD] was aware that it was not a real camera. She advised him that the matter had previously been investigated and there was no offences being committed.*

*As the complainer was one of the persons it sought to deter, she correctly did not advise him it was a fake camera.*

*In my opinion, Grampian Police have acted properly. They noted the allegation and provided the complainer with suitable update. I believe that as the complainer did not receive the response he sought, he has made this complaint. Again, there is no action required.*

On 21 February 2011, Superintendent HH provided the following response:

*"With regard to the allegation that no enquiry was carried out regarding your neighbour's CCTV camera, I can confirm that enquiry had previously been instigated and it was ascertained that no offences were being committed. It was clarified that the circumstances had not changed and you were advised that Police were not carrying out any further enquiry.*

*Having reviewed the circumstances, this was a proportionate and reasonable course of action."*

### *Consideration*

Constable DD was aware from a previous incident that the equipment which the applicant suspected was a "CCTV camera" was in fact a battery pack from a laptop computer which had been placed there by Mrs L in order to make the applicant believe that he was being recorded. Constable DD advised that Mrs L found a "level of security" in placing the battery pack on her window sill in that "[the applicant] would not cause any problems to her if he thought he was being recorded."

Whilst this may well have been the case, it is important to bear in mind that the applicant was alleging the commission of a criminal offence. Although what the applicant was told by Constable DD was, strictly speaking, correct, it was not appropriate to have left the applicant with the impression that his property might in fact be recorded by Mrs L. The Commissioner therefore does not share Superintendent HH's view that Constable DD's actions were proportionate and

reasonable. In the Commissioner's view, the applicant ought to have been told that Mrs L's equipment was not capable of recording images. This is especially so, given the number of subsequent calls and complaints about the police which the applicant made to Grampian Police concerning the existence of what he believed was recording equipment.

Notwithstanding this finding, the Commissioner is aware that the applicant and his family have since moved to a new address and is therefore unlikely to face the same issue in future. Consequently, the Commissioner does not consider it necessary to recommend further action in this connection.

## **Conclusions, Recommendations and Learning**

### **Complaint 1: Alleged abuse**

In the Commissioner's view, the manner in which this complaint was dealt with by Grampian Police was reasonable. Accordingly, no further action is required in this connection.

### **Complaint 2 : Constable DD's alleged lack of action re the positioning of CCTV**

In the Commissioner's view, the manner in which this complaint was dealt with by Grampian Police was not reasonable. However, no recommendation is made in this connection.

## The Complaints

Based on the contents of the application form, the correspondence received from the applicant, and the information obtained from Grampian Police, the Commissioner has identified the following complaints:

- (1) that a “protocol” was placed against the applicant;
- (2) that Constable P refused to listen to “blatant misuse” of CCTV equipment;
- (3) that Constable P refused to switch off her CCTV camera whilst in the applicant’s home; and
- (4) that a contact centre advisor refused to complete a complaint form and a contact centre supervisor failed to contact the applicant as arranged.

### Complaint 1: The “protocol”

#### Background

On 19 November 2010, Chief Inspector G distributed further guidance to police staff outlining how the applicant’s calls should be dealt with in future. The guidance is quoted in full below.

*“The [applicant] is a persistent complainer who has submitted numerous complaints against the Police during the past 18 month period. Most of these complaints relate to his dissatisfaction with the manner in which Grampian Police have handled reports made by him regarding the alleged behaviour of his neighbours in [the applicant’s street].*

*[The applicant] has sometimes been abusive to Service Centre staff and to Police Officers when conducting conversations by telephone, in person, and also by e-mail. He is known to record conversations with the Police and has, on occasions, refused to cooperate with officers from the [Local Policing Team] in relation to ongoing enquiries.*

*For these and other reasons, on 19 November 2010 a letter was sent to [the applicant] detailing the following arrangements, which will take effect from first thing on Monday 22 November 2010;*

- On the occurrence of new incident, [the applicant] will telephone the Force Service Centre and provide them with details of the incident. Service Centre staff will provide advice as to whether or not a crime has been committed, and will advise [the applicant] how Grampian Police intend to progress the report (by evaluating it at source, passing it to the [local policing team], or any other option).*
- If the incident reported by [the applicant] justifies further enquiry, Service Centre staff will refer his report to the on duty [local policing team] officers, preferably a Supervisor if one is on duty. The Supervisor or [local policing team] officer will then contact [the applicant] by telephone to make arrangements for him to call at [public office of police station] at a pre-arranged and mutually convenient time, for details of the incident to be noted by staff from the [local policing team].*
- Grampian Police staff will not engage in protracted discussions with [the applicant] in respect of reports which have already been investigated and closed. All new reports of crimes will be investigated on their own merits, and if appropriate, a*

*statement of complaint will be noted. Conversely, if it is felt that circumstances do not merit the noting of such a statement, none will be noted, although brief details of the report will be recorded.*

*In the letter, [the applicant] has been advised that he must not use abusive language or behaviour to any member of Grampian Police staff, and that if he does so Grampian Police may choose to report him for consideration of prosecution. He has also been advised that he should cooperate fully with the investigating officers and provide them with all the information he is able to furnish in order to allow them to progress the enquiry.*

*He has further been advised that enquiries will be conducted by [local policing team] staff and that he is not in a position to select which officers will conduct the enquiry. Inspector [D], as the Local Policing Team inspector, will retain oversight of all enquiries in the [local policing team], including those reported by [the applicant].*

*The following are important points to be considered in dealing with [the applicant];*

- Whilst [the applicant] can be verbally abusive and uncooperative, there are no instances of him having behaved in a violent way towards the Police.*
- [Local policing team] Officers, having been notified by Force Service Centre staff that [the applicant] wishes to report an incident, should telephone him as soon as practicable and make arrangements for him to attend at the [police station] Public Office at a pre-arranged time and date. A suitable entry **MUST** be made on the [police station] Public Office Warning Board in Microsoft Outlook, and the enquiry officer **MUST** take steps to ensure that e/she arrives at [police station] to deal with [the applicant] timeously. This may include notifying the Force Control Room of their non-availability for calls at the relevant time.*
- [Police station] Public Office staff should deal with [the applicant] as they would with any other member of the public, check the Warning Board, and advise him to take a seat to wait for the enquiry officer to see him.*
- [Local policing team] Officers dealing with [the applicant] should always use corroboration and, as a matter of good practice, should be trained in the use of Body Worn Video cameras. Use should be made of the camera during our dealings with him and, in line with established practice, officers should advise [the applicant] that the camera is in operation.*
- If [the applicant] expresses a desire to make a complaint against the Police, the procedure as per the Force Policy and SOP will be followed.*

*[The applicant] deserves a professional level of service from Grampian Police, and nothing in this briefing note should contribute to him receiving anything other than such a professional response. If there is evidence that a crime has been committed, we are duty bound to investigate it and a statement will be noted. If there is no evidence of a crime, [the applicant] will be informed of this and only brief details of his allegations recorded.*

*Similarly, Grampian Police staff deserve to be treated with respect, and [the applicant] should be under no illusions that we will not tolerate abusive behaviour on his part.”*

On 12 January 2011, the applicant emailed Grampian Police complaining that Superintendent AA had placed the protocol “against him” without asking for his side of the story first.

### *Internal Handling*

Mr JJ was appointed to make enquiries into the applicant's complaint. On 21 January 2011, Mr JJ wrote to the applicant with the following response:

*"I met with Superintendent [HH] who now occupies the position held by Superintendent [AA].*

*Superintendent [HH] will reconsider the protocol put in place by Superintendent [AA] and will provide instruction to his staff on how they will respond to your various calls in future."*

### *Consideration*

In the Commissioner's view, Mr JJ's response does not address the complaint. Accordingly, the Commissioner does not consider that the complaint was dealt with in a reasonable manner.

In the period prior to the introduction of the guidance, the applicant was dissatisfied with virtually every action or decision taken by Grampian Police in respect of him. Grampian Police was rightly concerned about the amount of resources being allocated to deal with the applicant's allegations and complaints, and also with alleged abuse towards its officers and staff. In light of these factors, the Commissioner considers that it was necessary for Grampian Police to introduce measures to resolve what had become an extremely difficult and challenging situation.

In the Commissioner's view, the guidance was a pragmatic and fair way of trying to minimise the difficulties faced by Grampian Police in this connection and at the same time provide the applicant with a reasonable standard of service. In the Commissioner's view, the guidance is wholly unobjectionable given the circumstances.

For these reasons, the Commissioner does not recommend any further action by Grampian Police in connection with this complaint.

### **Complaint 2: Refusal to listen**

On 12 January 2011, Constable P visited the applicant's home to obtain a statement from the applicant's wife in connection with an allegation that her vehicle had been vandalised. The applicant was also present at this time. It appears that during the meeting Constable P informed the applicant that no action would be taken against Mrs L's alleged misuse of a CCTV camera. Later that day the applicant complained by email to Grampian police in this connection.

### *Internal Handling*

Given that Mr JJ was dealing with the applicant's earlier complaint, he was also appointed to handle this one. Mr JJ reached the following conclusions:

*"Enquiry shows that [Mrs L] is terrified of the Complainer and has concerns for her safety when she leaves her house to enter her car. She has placed a battery charger on the window sill of an upstairs window pointing outwards as a deterrent to the Complainer in the belief he will think it's a CCTV camera. This action has obviously worked, as the Complainer obviously believes it to be a camera. Since that time the occupier has not received any intimidation from the Complainer*

*Due to this deterrent effect a conscious decision has been made by [the relevant policing division] not to identify the true nature of the battery charger to the Complainer."*

Mr JJ stated the following in his letter of response of 21 January 2011:

*“You are dissatisfied about a CCTV camera located at [your neighbour’s home]. I have established that Police Officers have examined the equipment in question and are satisfied that the owner of the equipment has not committed any offence. Contrary to your belief your children are not being viewed or recorded as you maintain.*

*In these circumstances, Constable [P] and other Officers are correct in their decision not to record a complaint from you about [your neighbour].”*

### **Consideration**

For the reasons given in respect of complaint 2 of review reference PCCS/00194/09/PF-GP(J) above, the Commissioner considers that Grampian Police ought to have informed the applicant that the equipment within Mrs L’s home was not capable of recording him and his family. Although Mr JJ informed the applicant that he and his family were not being recorded, he deliberately omitted to mention that the equipment was not in fact a camera at all. Consequently, the Commissioner does not consider that this complaint was dealt with in a reasonable manner.

As noted above, however, the applicant and his family have now moved address and there is nothing to be gained from recommending further action in this connection.

### **Complaint 3: Refusal to switch of recording equipment**

During her visit to the applicant’s home on 12 January 2011, Constable P was wearing a Body Worn Video (“BWV”) camera. Later that day, the applicant emailed Grampian Police complaining that Constable P had refused to switch off the BWV camera during the meeting.

### **Internal Handling**

Mr JJ stated the following in his letter of 21 January 2011:

*“Body worn video cameras are a recent introduction to Policing in Aberdeen. They are used by Police Forces throughout the United Kingdom. I have viewed the recording of Constable [P]’s visit to your house on 12 January 2011 and can confirm her use of the camera complied with the Standard Operating Procedure for the use of such cameras.”*

### **Consideration**

As Mr JJ explained, there is nothing within the relevant standard operating procedure which requires an officer to switch off a BWV camera in the event that an individual objects to its use. In addition, Constable P’s decision to use a BWV camera was in accordance with Chief Inspector G’s guidance. In these circumstances, the Commissioner considers that Mr JJ reached a reasonable conclusion in respect of this complaint.

In any event, given the number of complaints which the applicant and his family have made regarding allegedly unprofessional and aggressive behaviour on the part of police officers, it is perhaps surprising that he should object to an officer’s use of a BWV camera. From the applicant’s perspective, had such devices been used in the past they might have prevented some of the alleged behaviour about which he has previously complained.

### **Complaint 4: Refusal to note complaint and call back**

On 13 January 2011, the applicant called Grampian Police stating that, despite having reported Mrs L on numerous occasions for filming him and his family, Grampian Police had not properly with these allegations.

The applicant was passed to an assistant supervisor, Mrs KK, who informed the applicant that she would forward details of his complaint to the Professional Standards Department.

The applicant considered that Mrs KK was being rude to him during the call and asked her to complete a telephone complaint form regarding this. Mrs KK advised that she would pass the complaint to her supervisor and that it would be “totally inappropriate” for her to note a complaint about herself. The applicant was unwilling to accept this; however, he was told that he would receive a call from the supervisor after 4 pm to progress his complaint.

On 18 January 2011, the applicant called to complain that Mrs KK had refused to complete a complaint form and also that he had not been called back by the supervisor.

### *Internal Handling*

Having listened to the applicant’s call with Mrs KK, Mr JJ stated the following:

*“...The call lasts for 15 minutes 48 seconds. [Mrs KK] remained professional at all time during the call despite severe provocation by the Complainer, even when he [made an offensive remark to her]. Following the call [Mrs KK] reported the matter directly to me. Given the circumstances I instructed the Complainer should not be called back.”*

Mr JJ provided the following response to the complaint:

*“I have listened to the voice recording of your telephone conversation with our Force Service Centre Assistant Supervisor on 13 January 2011. I do not agree that she was rude to you or her manner towards you was unprofessional. She was correct when she advised you she could not fill in a Complaint about the police form, as she was the subject of your complaint. She was also correct when she told you she would arrange for a senior member of staff to call you back. Having considered the content of your conversation with her, I instructed you should not be called back that day.*

*I have to advise you that I view your telephone call on that day as being abusive and offensive. As such, I do not intend to take any action about that aspect of your complaint. If you wish to make a Complaint about the Police, but feel you are unable to do so without making false and offensive statements, I suggest you seek the services of a Solicitor or someone similar, to make a complaint on your behalf.”*

### *Consideration*

The recording of the call was examined as part of the present review. In the Commissioner’s view, Mrs KK’s actions were intended to assist the applicant in pursuing his complaint in relation to the alleged filming by Mrs L. The Commissioner considers the advice that the advice provided by Mrs KK was correct. In these circumstances, the Commissioner considers that Mr JJ’s response was reasonable.

It is clear from the recording that the applicant made several highly offensive comments to Mrs KK. His behaviour was entirely unacceptable and Mrs KK is to be commended for her patience and professionalism in the circumstances. In the Commissioner’s view, given the nature of these comments, it is entirely understandable that the applicant was not called back.

## **Conclusions, Recommendations and Learning**

### **Complaints 1 and 2**

In the Commissioner’s view, these complaints have not been handled in a reasonable manner by Grampian Police. However, no recommendations are made in this connection.

### **Complaints 3 and 4**

In the Commissioner's view, the manner in which these complaints were dealt with by Grampian Police was reasonable. Accordingly, no further action is required in this connection.

## Background

According to the applicant, on 17 November 2010 he contacted Grampian Police's Professional Standards Department to discuss his complaint about being "tricked" by Sergeant N into accepting a breach of the peace (see PCCS/00194/PF-GP(C) above). The applicant provided the following account of the conversation which he had with Mr JJ:

*"[Mr JJ] was extremely rude / aggressive / hostile & totally un-cooperative in speaking to me. I was polite and if I said white he would say black. There was no listening and when I said some of the facts were un-true HE REFUSED TO LISTEN, BELIEVING HIS OFFICERS AND REFUSING TO ENQUIRE INTO MY FACTS. The matter was open/closed without reasoning nor any defence from myself albeit I could prove my points. He was hell bent on defending his colleagues to the extent of total denial."* [emphasis in original]

## The Complaint

Based on the contents of the application form, the correspondence received from the applicant, and the information obtained from Grampian Police, the Commissioner has identified a single complaint, namely that Mr JJ was rude, aggressive and hostile towards the applicant.

### *Internal Handling*

On 22 November 2010, the applicant wrote to Grampian Police detailing his complaint about Mr JJ. It appears that the complaint was not recorded at the time. The applicant reiterated this complaint by email on 26 January and 3 February 2011.

On 8 March 2011, Inspector LL responded to the applicant as follows:

*"I have reviewed the circumstances, taking into account the information provided by yourself and [Mr JJ]. It would appear [Mr JJ] was attempting to explain the content of a previous letter to you but found it difficult due to what he perceived as your negative attitude. He advises he found it difficult to converse with you but refutes he was rude.*

*I can also clarify that [Mr JJ] shares an office with others so it is inevitable that on occasion parts of conversations by telephone and otherwise are overheard. Each staff member has their own area of responsibility and works to the highest levels of confidentiality. I am satisfied this trust has not been breached in respect of these circumstances."*

### *Consideration*

In terms of the information supplied to the Commissioner, the evidence in respect of this complaint consists solely of the applicant's account against that of Mr JJ. In such circumstances, it is not possible to substantiate the applicant's complaint.

## Conclusions, Recommendations and Learning

In the Commissioner's view, the manner in which this complaint was dealt with by Grampian Police was reasonable. Accordingly, no recommendation is made in this connection.

## Background

On 4 February 2011, the applicant called Grampian Police's service centre alleging that Mrs L had "yet again" moved her "CCTV camera" towards the direction of his property and was therefore filming the applicant and his family without their consent. The call handler (Mr MM) advised the applicant that he would look into the matter and have someone return his call.

The applicant advised Mr MM that, in terms of the protocol in place, he required to go to a local police station to report the matter, and he asked for a time when this would be suitable. Mr MM advised that Constable X and Constable CC would be on duty from 5 pm onwards and that another two officers would be available the following day.

The applicant asked if he could book a time, to which Mr MM replied that he would ask someone at the police station to call the applicant to arrange a convenient time. The applicant replied that this would amount to a breach of the protocol as outlined in a letter he had received from Superintendent HH dated 28 January 2011.

Mr MM told the applicant that, according to his understanding of the process, call handling staff would take his request and pass it on to the local police station, following which he would be called back. The applicant replied that he would not accept any return of his call because "he is not allowed". Before disconnecting the call, Mr MM told the applicant, "Well that's what's going to happen. Good day to you sir."

## The Complaint

Based on the contents of the application form, the correspondence received from the applicant, and the information obtained from Grampian Police, the Commissioner has identified a single complaint, namely that Mr MM hung up on the applicant.

### *Internal Handling*

Mr JJ was appointed to make enquiries into the complaint and as part of this he listened to the recording of the call. Mr JJ reported the following:

*"As soon as [Mr MM] answers the call, [the applicant] asserts his position of control and asks [Mr MM] for his name. He asks for confirmation that the call is being recorded and then asks [Mr MM] to state the date and time. This is not usual behaviour from members of the public calling the Service Centre.*

*[The applicant] proceeds to complain about a neighbour altering the position of his CCTV camera to illegally record him, his wife and two schoolchildren. He infers the Police have told the neighbour to move the camera and as he has not done so he must be committing an offence. [Mr MM] tells him he will look into it and someone will get back to him. [The applicant] replies that it is not ok because of the protocol that has been placed on him he must attend [a police station]. A short discussion follows about whether or not an appointment can or will be made for him to attend at [the local police station] and when an officer will be available there. It becomes apparent that [Mr MM] cannot appease [the applicant] and he concludes the conversation by telling him 'well that is what is going to happen'. In context he is confirming to [the applicant] that he will get someone to make contact with him about the alleged incident. [Mr MM] then hangs up to prevent the call degenerating into an argument.*

*Both [the applicant] and [Mr MM] were polite to each other throughout the conversation although [the applicant] is dissatisfied the call was terminated before he had finished speaking.”*

On 25 February 2011, Mr JJ issued the following response to the complaint:

*“I have reviewed the recording of the conversation and am sorry if you were offended by the actions of the member of staff. It is apparent however, he terminated the call to prevent your conversation degenerating into an argument when you would not accept the course of action he intended taking to deal with your complaint.*

*I have forwarded a copy of your complaint and my report on the matter to [a Superintendent] of our Operational Support Division for her information as she has ultimate responsibility for management of the Force Service Centre.”*

### **Consideration**

As part of the present review, the Commissioner’s office obtained a recording of the call in question, as well as copies of the protocol and the letter from Superintendent HH to which the applicant referred. In neither document is it stated that officers from the local police office should not call the applicant or that the applicant himself could not receive calls. The terms of the protocol are relatively straightforward and mirror exactly what the applicant was advised by the call handler. It is unclear how the applicant came to believe that the protocol prohibited officers from telephoning him.

Given that the call handler’s advice to the applicant mirrored that contained within the protocol, it does not appear that he could have provided the applicant with any further advice in this connection. Given the risk that the call would descend into an unnecessary argument, the Commissioner considers that this complaint was dealt with in a reasonable manner.

In the Commissioner’s view, the manner in which this complaint was dealt with by Grampian Police was reasonable. Accordingly, no recommendation is made in this connection.

### **Conclusions, Recommendations and Learning**

As can be seen from the reviews contained within this report, a substantial amount of resources has been expended by Grampian Police in dealing both with the applicant’s allegations against his neighbours and the complaints about the police which he made subsequently. In the vast majority of cases, these complaints were dealt with in a reasonable manner. In the Commissioner’s view, nothing is to be gained from Grampian Police dealing with any further complaints the applicant may make which are directly related to those dealt with in this report. The Commissioner therefore recommends that Grampian Police no longer considers or responds to any complaint made by the applicant which is directly related to those listed in this report.

The Commissioner does not make this recommendation lightly, but for the reasons stated considers it necessary to do so in the present case.

**John McNeill**  
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